

## **IC 13-23-11**

### **Chapter 11. Underground Storage Tank Financial Assurance Board**

## **IC 13-23-11-1**

### **Creation**

Sec. 1. The underground storage tank financial assurance board is created.

*As added by P.L.1-1996, SEC.13.*

## **IC 13-23-11-2**

### **Members**

Sec. 2. The board consists of the following sixteen (16) members:

- (1) The commissioner or the commissioner's designee.
- (2) The state fire marshal or the state fire marshal's designee.
- (3) The treasurer of state or the treasurer of state's designee.
- (4) The commissioner of the department of state revenue or the commissioner's designee.
- (5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:
  - (A) One (1) member representing the independent petroleum wholesale distributor-marketer industry.
  - (B) One (1) member representing the petroleum refiner-supplier industry.
  - (C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.
  - (D) One (1) member of the financial lending community who has experience with loan guaranty programs.
  - (E) One (1) member representing the convenience store operator industry.
  - (F) One (1) member representing environmental interests.
  - (G) One (1) member representing local government.
  - (H) Two (2) members representing the general public.
  - (I) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.
  - (J) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.
  - (K) One (1) member representing the property and casualty insurance industry.

*As added by P.L.1-1996, SEC.13. Amended by P.L.131-1997, SEC.4.*

## **IC 13-23-11-3**

### **Compensation**

Sec. 3. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually

incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.1-1996, SEC.13.*

#### **IC 13-23-11-4**

##### **Vacancies; appointment; term**

Sec. 4. (a) If an appointed member of the board is not able to serve the member's full term, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(b) The term of an appointed member of the board continues until the member's successor has been appointed and qualified.

*As added by P.L.1-1996, SEC.13.*

#### **IC 13-23-11-5**

##### **Officers**

Sec. 5. The board, at the board's first meeting of each year, shall elect from among the board's members a chairperson and other officers necessary to transact business.

*As added by P.L.1-1996, SEC.13.*

#### **IC 13-23-11-6**

##### **Quorum; meetings**

Sec. 6. (a) The board must have a quorum to transact business. Nine (9) members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

(1) the request of the chairperson; or

(2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made.

*As added by P.L.1-1996, SEC.13. Amended by P.L.131-1997, SEC.5.*

#### **IC 13-23-11-7**

##### **Duties of board**

Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry out the duties of the board under this article.

(2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the excess liability trust fund including:

(A) a detailed breakdown of contractual and administrative

expenses the department is claiming from the excess liability trust fund under IC 13-23-7-1(4); and

(B) a claims statistics report consisting of the status and value of each claim submitted to the fund and claims payments made under IC 13-23-8-1.

The testimony and written report under this subdivision shall be provided at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.

(3) Consult with the department on administration of the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 in developing uniform policies and procedures for revenue collection and claims administration of the fund.

(b) The department shall consult with the board on administration of the underground petroleum storage tank excess liability trust fund. The consultation must include evaluation of alternative means of administering the fund in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the underground petroleum storage tank trust fund established under IC 13-23-6-1.

*As added by P.L.1-1996, SEC.13. Amended by P.L.9-1996, SEC.19; P.L.2-1997, SEC.49; P.L.131-1997, SEC.6; P.L.25-1997, SEC.16; P.L.253-1997(ss), SEC.16; P.L.2-1998, SEC.55; P.L.63-1998, SEC.5; P.L.14-2001, SEC.17.*

#### **IC 13-23-11-8 Repealed**

*(Repealed by P.L.25-1997, SEC.18.)*